

STATE OF MAINE

—
 IN THE YEAR OF OUR LORD
 TWO THOUSAND AND SEVENTEEN

—
 H.P. 1044 - L.D. 1520

An Act To Create an Aquaculture License

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6073-B, as enacted by PL 2007, c. 522, §2, is amended to read:

§6073-B. Harvester license exemption; aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6421, 6501, 6601, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6801-A and 6803 to hold a separate license for the removal, possession, or transport ~~or sale~~ of the cultured organisms, ~~except for molluscan bivalve shellfish,~~ from the leased area or the licensed gear, except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B.

Sec. 2. 12 MRSA §6073-C, as reallocated by RR 2007, c. 2, §4, is amended to read:

§6073-C. Harvester license exemption; scallop aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6701, 6702 and 6703 to hold a separate license for the removal, possession, or transport ~~or sale~~ of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only, except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B. This exemption does not apply to scallops in any other form.

Sec. 3. 12 MRSA §6301, sub-§2, ¶V, as amended by PL 2013, c. 492, §2, is further amended to read:

V. A lobster processor license issued under section 6851-B expires on March 31st of each year; ~~and~~

Sec. 4. 12 MRSA §6301, sub-§2, ¶W, as enacted by PL 2013, c. 492, §3, is amended to read:

W. A commercial green crab only license issued under section 6808 expires on April 30th of each year; ~~and~~

Sec. 5. 12 MRSA §6301, sub-§2, ¶X is enacted to read:

X. An aquaculture license issued under section 6810-B expires on April 30th of each year.

Sec. 6. 12 MRSA §6601, sub-§2-A, as amended by PL 2013, c. 509, §9, is repealed.

Sec. 7. 12 MRSA §6745, sub-§2-A, as enacted by PL 2007, c. 522, §4, is repealed.

Sec. 8. 12 MRSA §6746, sub-§2-A, as enacted by PL 2007, c. 522, §5, is repealed.

Sec. 9. 12 MRSA §6810-B is enacted to read:

§6810-B. Aquaculture license

1. Definition. For the purposes of this section, "shellfish" means shellstock clams, quahogs other than mahogany quahogs, mussels and oyster shellstock.

2. License required. Beginning May 1, 2018, a person may not engage in the activities authorized under this section without a current aquaculture license.

3. Licensed activities; all aquacultured organisms except shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell cultured organisms, except shellfish, the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured organisms, except shellfish, the holder has cultured pursuant to a license issued under section 6072-C. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Licensed activities; shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell to a wholesale seafood license holder certified under section 6856 cultured shellfish the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured pursuant to a license issued under section 6072-C. Such a holder of an aquaculture license may also sell such shellstock from that license holder's home in the retail trade. A holder of an aquaculture license who is also the holder of a lease issued

under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Exemption; limited-purpose aquaculture license for personal use. Notwithstanding subsections 2, 3 and 4, the holder of a limited-purpose aquaculture license issued under section 6072-C may remove, possess or transport within the state limits organisms cultured under that license, subject to all other applicable requirements of this Part.

6. Eligibility. An aquaculture license may be issued only to an individual who holds a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C.

7. Fee. The fee for an aquaculture license is \$133, of which \$74.75 must be deposited in the Aquaculture Management Fund established in section 6072-D.

8. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

Sec. 10. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 12, sections 6073-B and 6073-C and repeal Title 12, section 6601, subsection 2-A, Title 12, section 6745, subsection 2-A and Title 12, section 6746, subsection 2-A take effect May 1, 2018.